

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4509 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JOSHI DAHYALAL BHAISHANKER

Versus

DIRECTOR OF ANIMAL HUSBANDRY

Appearance:

MR MB PARIKH for Petitioners

MR VB GHARANIYA Asstt. GP for the State.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 01/07/97

ORAL JUDGEMENT

Rule returnable today. Learned Assistant Govt. Pleader Mr. Gharaniya, at the suggestion of the Court, has accepted service of the petition on behalf of the respondents. He appears and waives service of Rule on behalf of the respondents.

2. Under communication dated 22nd December, 1986, entry [Dressers] made under sub-heading "Medical

Department" in appendix-III, Bombay Civil Service Rules, 1959 has been deleted. Thus, the Dressers serving under the Medical Department have been granted status of Class-III servant. The petitioners are Dressers serving under the Vaitirmary Hospitals/Dispensaries run by the Government. They claim to be similarly situated as the Dressers in the other hospitals and assert that they also should be treated as Class-III Servants. Learned advocate Mr. Parikh has submitted that several representations have been made by the petitioners in this regard. However, same have not been responded to. In that view of the matter, petition is allowed. Petitioners are directed to make a fresh representation in the subject matter of this petition. The respondents are directed to consider and decide such representation within six months from the date of receipt of the same. Decision taken on such representation shall be communicated to the persons making it as soon as possible. Rule is made absolute accordingly. There shall be no order as to costs.

*Vyas